

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66599 of 2025

Arising Out of PS. Case No.-32 Year-2025 Thana- Cyber P.S. District- East Champaran

Shiv Shankar Kumar @ Shiv Shankar Ram S/o Ramayan Ram R/o Village-
Gurchurwa, P.S.- Majhauriya, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kamrul Nisha D/o Riyaz Hawari R/o Village- Shripur Gopalpur, Ward No. 3, P.S.- Sugauli, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s :Mr.Kundan Rathore Alias Kundan Kumar, Advocate

For the Opposite Party/s :Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 23-03-2026 Despite of valid service of notice, no one appears on behalf of opposite party No.2.

2. Heard Mr.Kundan Rathore Alias Kundan Kumar, learned counsel for the petitioner and Mr.Madhura Nand Jha, learned Additional Public Prosecutor for the State.

3. The petitioner seeks bail, who is in custody since 04.04.2025 in connection with Motihari Cyber P.S. Case No. 32 of 2025, F.I.R. dated 18.03.2025 registered for the offence punishable under Sections 74,75,76,79,64 of BNS,2023 and Sections 67,67(B) IT Act and 4/6 of POCSO Act.

4. Allegation against the petitioner is that he committed rape with the victim and took nude photograph of



victim on video call and threatening her to solemnize marriage with him otherwise he will make the photograph viral on social media.

5. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that the statement of the victim was recorded under Section 183 of BNSS, 2023 in which she has not stated anything about the sexual assault against the petitioner. She has stated that the petitioner has made the photograph of the victim viral with the petitioner and petitioner has also pressurized her to solemnize the marriage with him. Learned counsel for the petitioner submits that it has come during investigation in paragraph-30 of the case diary in which she has refused for her medical examination and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 04.04.2025.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts, petitioner has clean antecedent, the victim has not stated anything about the sexual



assault against the petitioner and she also refused for her medical examination, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge(Rape & POCSO Cases), East Champaran, Motihari/ Concern Court, Motihari, East Champaran in connection with Motihari Cyber P.S. Case No. 32 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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